

Application No. : 10/038,719  
Applicant : Creamer, *et al.*  
Filed : January 3, 2002  
TC/A.U. : 2145  
Examiner : Swearingen, Jeffrey R.  
Docket No. : BOC9-2000-0061 (196)

Confirmation No. : 8949

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Respectfully submitted,

Date:

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Brian K. Buchheit, Registration No. 52,667

AKERMAN SENTERFITT

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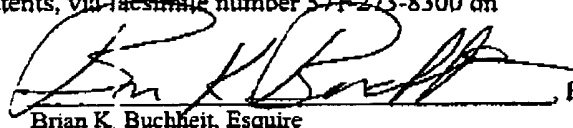
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{WP242052.1}



PTO/SB/25 (03-04)

Approved for use through 07/31/2005. OMB 0351-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**Docket Number (Optional)  
BOC9-2000-0081 (183)

In re Application of: CREAMER, et al.

Application No.: 10/039,719

Filed: January 3, 2002

For: INSTANT MESSAGING WITH VOICE CONFERENCE FEATURE

The owner, InterCall America, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the referenced Application Number 08/210,187 filed on June 19, 2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said referenced application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending referenced application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the referenced application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 52687



Signature

June 21, 2005

Date

BRIAN K. BUCHHEIT  
Typed or printed name(581) 853-6000  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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REJECTION OVER A PENDING "REFERENCE" APPLICATION**Patent Number (Optional)  
8000-2000-0031 (188)In re Application of: **CREAMER, et al.**

Application No.: 10/038,719

Filed: January 3, 2002

For: **INSTANT MESSAGING WITH VOICE CONFERENCE FEATURE**

The owner, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/810,871 filed on July 18, 2001, so such term is defined in 35 U.S.C. 154 and 173, and so the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "so the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that any such patent granted on the pending reference application, agrees for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims covered by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 52,667



Signature

June 21, 2005

Date

BRIAN K. BUCHHEIT

Typed or printed name

(581) 653-6000  
Telephone Number

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